

**UNITED STATES DISTRICT COURT
District of Maine**

DANIEL RUFFIN,

Plaintiff

V.

WARREN HEATH IV, DENNIS PALMER,
JOHN HINKLEY, CYNTHIA GARDNER,
and TIMOTHY MCFARLAND,

Defendants

Docket No. 2:17-cv-00151-NT

ANSWER TO PLAINTIFF'S COMPLAINT, MOTION TO AMEND (DOCUMENT NO. 11), AND MOTION TO AMEND (DOCUMENT NO. 13)

NOW COME Defendants Warren Heath IV, Dennis Palmer, John Hinkley, Cynthia Gardner, and Timothy McFarland, through counsel, and hereby respond to the allegations contained in Plaintiff's Complaint, the amended complaint (Document No. 11), and the supplement to the amended complaint (Document No. 13) as follows:

AFFIRMATIVE DEFENSES

A. Plaintiff's Complaints fail to state a cause of action upon which relief may be granted.

B. Plaintiff has not suffered any compensable damages resulting from the claims alleged in the Complaint and the amendments.

C. Plaintiff has failed to mitigate his damages as required by law.

D. Plaintiff's claims are barred by provisions of the Prison Litigation Reform Act, including but not limited to 42 U.S.C. § 1997e(a) and/or 42 U.S.C. § 1997e(e).

E. The Defendants are entitled to qualified immunity.

F. With regard to any alleged tort claims, the Defendants are entitled to discretionary function and/or intentional act immunity under the Maine Tort Claims Act.

G. With regard to any alleged tort claims, Plaintiff has failed to comply with conditions precedent to the maintenance of this action including, without limitation, compliance with the notice requirements of the Maine Tort Claims Act.

ANSWER TO COMPLAINT

The Defendants deny each and every averment set forth in Plaintiff's Complaint.¹

WHEREFORE, Defendants pray for judgment in their favor plus costs.

ANSWER TO AMENDED COMPLAINT (DOCUMENT NO. 11)

1. Defendants generally deny all substantive allegations contained in this paragraph of Plaintiff's Motion to Amend.

2. Defendants admit the allegations contained in this paragraph of Plaintiff's Complaint.

3. Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Complaint and therefore deny same.

4. Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Complaint and therefore deny same.

5-11. Defendants deny the allegations contained in these paragraphs of Plaintiff's Complaint.

12. Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Complaint and therefore

¹The Plaintiff's Complaint does not contain numbered paragraphs. For this reason, Defendants can only provide a general denial.

deny same.

9(sic). Defendants deny the allegations contained in this paragraph of Plaintiff's Complaint.

10(sic). Defendants deny the allegations contained in this paragraph of Plaintiff's Complaint.

13. Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Complaint and therefore deny same.

WHEREFORE, Defendants pray for judgment in their favor plus costs.

ANSWER TO SUPPLEMENTAL MOTION TO AMEND (DOCUMENT NO. 13)

1. Defendant admit the allegations contained in this paragraph of Plaintiff's Complaint.

2-4. Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in these paragraphs of Plaintiff's Complaint and therefore deny same.

5-20. Defendants deny the allegations contained in these paragraphs of Plaintiff's Complaint.

21. Defendants are without sufficient knowledge or information so as to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Complaint and therefore deny same.

22-25. Defendants deny the allegations contained in these paragraphs of Plaintiff's Complaint.

WHEREFORE Defendants pray for judgment in their favor plus costs.

Dated: November 1, 2017

/s/ Peter T. Marchesi

Peter T. Marchesi, Esq.

/s/ Cassandra S. Shaffer

Cassandra S. Shaffer, Esq.

Wheeler & Arey, P.A.
Attorneys for Defendants
27 Temple Street
Waterville, ME 04901

**UNITED STATES DISTRICT COURT
District of Maine**

DANIEL RUFFIN,)	
)	Docket No. 2:17-cv-00151-NT
Plaintiff)	
)	
v.)	
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WARREN HEATH IV, DENNIS PALMER,)	
JOHN HINKLEY, CYNTHIA GARDNER,)	
and TIMOTHY MCFARLAND,,)	
Defendants)	

CERTIFICATE OF SERVICE

I, Peter T. Marchesi, hereby certify that:

- Answer to Plaintiff's Complaint, Motion to Amend, and Supplemental Motion to Amend

has been served this day on Plaintiff by filing with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following:

None

Copies of the above documents have been provided to the Plaintiff via United States Mail, postage prepaid, at the following address:

Daniel Ruffin
Maine State Prison
807 Cushing Road
Warren, ME 04864-4600

Dated: November 1, 2017

/s/ Peter T. Marchesi
Peter T. Marchesi, Esq.
Wheeler & Arey, P.A.
Attorneys for Defendants
27 Temple Street
Waterville, ME 04901